

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

MICHAEL B. WOOLMAN,

Plaintiff,

v.

TABITHA, and HOSPIS & HEALTH
CARE SERVICES,

Defendants.

4:13CV3116

**MEMORANDUM
AND ORDER**

This matter is before the court on its own motion. On September 17, 2013, the court conducted an initial review of Plaintiff's Complaint. (Filing No. [8](#).) The court determined that, "[e]ven when liberally construed, Plaintiff's Complaint raises no claims and makes no allegations against the defendants in this matter." (*Id.* at CM/ECF p. 2.) On the court's own motion, it gave Plaintiff 30 days in which to amend his Complaint to clearly state a claim upon which relief may be granted. (*Id.* at CM/ECF p. 3.)

Plaintiff filed an Amended Complaint out of time on October 22, 2013. (Filing No. [9](#).) Even when liberally construed, Plaintiff's Amended Complaint raises no claims and makes no allegations against Defendants. For this reason, and for the reasons set forth in the court's September 17, 2013, Memorandum and Order, this matter is dismissed.

IT IS THEREFORE ORDERED that:

1. Plaintiff's "Motion to File the Petition Out of Time" (Filing No. [9](#)) is granted.
2. This matter is dismissed without prejudice for failure to state a claim upon which relief may be granted.

3. A separate judgment will be entered in accordance with this Memorandum and Order.

DATED this 28th day of October, 2013.

BY THE COURT:

s/ Richard G. Kopf

Senior United States District Judge

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